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Norman C. Fawley

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EXAMINER

BUTLER, PATRICK NEAL

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed 29 July 2008 have been fully considered but they are not persuasive.

Applicant argues with respect to the 35 USC § 102(b) rejections. Applicant's arguments appear to be on the grounds that:

1) Clavin does not expressly teach that the composite reinforced pipe has a resin and reinforcement fibers as required by the amended claims.

2) The heat distortion temperature is determined by more than a mere softening of the material as clarified by "Deflection Temperature Testing of Plastics." Thus, Clavin's undisclosed temperature of softening does not provide the newly added claim limitations regarding limitation of heating the pipe above a heat distortion temperature of the resin as recited in lines 6 and 7 of Claim 1.

Applicant argues with respect to the 35 USC § 103(a) rejections. Applicant's arguments appear to be on the grounds that:

3) Lewis does not teach where the bend is positioned along the pipe length.

4) Miller's retaining of air is not discussed by Miller as heating the coating to prevent tearing. Thus, the purpose of the claimed step is not met.

5) The Examiner has not pointed to the teachings within Rhodes in view of Fawley that teach the newly added claim limitations regarding limitation of heating the pipe above a heat distortion temperature of the resin as recited in lines 6 and 7 of Claim 1.

6) Fawley's teaching of minimizing labor and material costs is not directed towards modifying the number of fibers positioned on the pipe.

The Applicant's arguments are addressed as follows:

1, 2, and 5) The Arguments pertain to the claims as amended: the new issues and new matter. The Examiner's response to the previously rejected claims may be found in the final rejection mailed 30 May 2008.

3) As recited in the Office Action mailed 30 May 2008:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As combined, Clavin teaches making a CRP as previously described with 1° bends achieved in the arc distance equal to the pipe's diameter.

Clavin does not explicitly teach bending with individual bends having $\frac{1}{4}$ the length of the pipe's diameter.

Lewis teaches achieving cumulative bends with spaced $\frac{1}{4}^\circ$ bends (see col. 9, paragraphs [0029] and col. 10, paragraph [0031]).

In view of Clavin, the spaced $\frac{1}{4}^\circ$ bends would be $\frac{1}{4}$ of the 1° arc length (longitudinally displaced locations are separated by a distance equal to approximately $\frac{1}{4}$ of a diameter of the pipe).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lewis's bend increments with Clavin's pipe bending because Lewis teaches that $\frac{1}{4}^{\circ}$ bends can incrementally achieve the larger overall arc desired to be obtained (see Lewis, col. 9, paragraph [0029] and col. 10, paragraph [0031]).

4) As recited in the Office Action mailed 13 November 2007:

Moreover, the heating of the coating in Clavin would necessarily heat the pipe at least by conduction through their interface.

6) Regarding teaching fiber as a material to be optimized, Fawley is relied upon for all taught which includes minimizing labor and material costs (see col. 3, lines 4-11). Therefore, material is expressly taught to be minimized. Both Rhodes and Fawley expressly teaches using fibers (see Fawley, abstract and Rhodes, col. 2, lines 39-59), which are a material.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Butler whose telephone number is (571) 272-8517. The examiner can normally be reached on Mon.-Thu. 7:30 a.m.-5 p.m. and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/P. B./
Examiner, Art Unit 1791

/Monica A Huson/
Primary Examiner, Art Unit 1791